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This motion will be decided by the court commissioner at an upcoming hearing. If you do not appear at the hearing, the Court might make a decision against you without your input. In addition, you may file a written response at least 14 days before the hearing.

**IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR
DAVIS COUNTY, STATE OF UTAH, FARMINGTON DEPARTMENT**

In the matter of the marriage of:

LAUREN R. MARSH,

and

KIRK RUSSEL MARSH.

**MOTION TO ENFORCE ORDER AND
FOR SANCTIONS**

Civil No.: 184701031

Commissioner: Christina Wilson

Judge: Michael Edwards

COMES NOW Lauren Zimmer (hereafter “Lauren” or “Mother”), by and through her attorney, Kristy Hanson, and respectfully moves this Court for an Order requiring Kirk Russel Marsh (hereafter “Russ” or “Father”), to appear before the above-entitled Court to then and there show cause, if any he may have, why an order should not be entered enforcing the following provisions of the *Supplemental Decree of Divorce* (entered on November 27, 2019) (hereinafter called “*Decree*”) and *Amended Supplemental Parenting Plan* (entered April 8, 2021) and entering the following sanctions:

1. A finding of contempt on the part of Father for his violations of the *Decree* and *Amended Supplemental Parenting Plan*, which include:

2. Failing to abide by ¶ 8 of the *Decree* and not paying Mother the ordered child support monthly amount of \$700.

3. Failing to abide by ¶ 9 of the *Decree* and not sharing “equally the actual out-of-pocket costs of the premium actually paid by a parent who maintains the insurance for the children’s portion of insurance.”

4. Failing to abide by ¶ 9 of the *Decree* and not reimbursing Mother for one-half of all “medical, dental, mental health, and orthodontia expenses incurred for a dependent child, including deductibles and copayments.”

5. Failing to abide by ¶ 3 of the *Amended Supplemental Parenting Plan* and not using best efforts to share information in a “civil, cooperative, co-parenting fashion in furthering the best interests of our daughters.”

6. Failing to abide by ¶ 10 of the *Amended Supplemental Parenting Plan* and failing to “promote a positive relationship between each of our children and the other parent...” and limiting communication to information regarding the children in a respectful manner, specifically failing to “refrain from using derogatory or accusatory language.”

7. Failing to abide by ¶ 14 of the *Amended Supplemental Parenting Plan* and not being “prompt and on time at exchange times” and not “promptly alert[ing] one another if there is any change of plans.”

8. Failing to abide by ¶ 15 of the *Amended Supplemental Parenting Plan* and not making the minor children’s “well-being a priority by supporting him/her financially and emotionally.”

9. Failing to abide by ¶ 16 of the *Amended Supplemental Parenting Plan* and failing to “follow the Court’s direction regarding child support, alimony, and other expenses. Other expenses requiring reimbursement will be provided, including receipt with amount and specific activities included. Payment will be made within 30 days of receipt of verification of expenses.”

10. Failing to abide by ¶ 17 of the *Amended Supplemental Parenting Plan* and not abiding “by the mutual restraining order of the Court prohibiting each party from harming, harassing, or annoying the other party, and from making negative or derogatory comments about the other party in the presence of the children, or allowing third parties to do so. The parties will not discuss the divorce, who filed for divorce, who chose the divorce, or express anything to the children regarding the parties’ relationship nor a hope that the parties will get back together.”

11. Lauren requests the following orders and judgments:

12. A judgment for \$7,700 for past due child support from January 2024 through November 2024, and any further child support incurred between November 2024 and the date of the hearing.

13. A judgment for \$1,320 for one-half of the costs of medical and dental insurance from January 2024 through November 2024, and any further medical and dental insurance costs incurred between November 2024 and the date of the hearing.

14. A judgment for \$1,314.26 for one-half of all medical costs to be shared between the parties from December 2023 through October 2024, and any further medical costs incurred between October 2024 and the date of the hearing.

15. An order that Father read BIFF for Co-Parenting Communication by Bill Eddy, Ph.D.

16. An order that the parties use Our Family Wizard (OFW) for communication at Father’s expense.

17. An order that Father respond to communications regarding the minor children within 48 hours or Mother be permitted to make the decision without Father’s input if Father refuses to respond.

18. An order that Father attend a high conflict parenting class.

19. An order that Father remove his Instagram posts showing letters written to Mother, under the account @kirkrusselmarsh.

20. An order that Father engage in therapy with an AFCC informed therapist.

21. A judgment awarding Lauren her attorney fees and costs, pursuant to U.C.A. §81-1-203 in being forced to bring the present *Motion to Enforce* and supporting documents.

22. Imposing such other sanctions as the Court deems appropriate for Father's refusal to comply with previous Court orders.

This Motion is supported by the *Declaration of Lauren Marsh Zimmer in Support of Motion to Enforce Order*.

DATED and SIGNED this 16th day of December, 2024.

/s/ Kristy L. Hanson

KRISTY L. HANSON

Attorney for Lauren Marsh Zimmer

Notice to responding party

You have a limited amount of time to respond to this motion. In most cases, you must file a written response with the court and provide a copy to the other party:

- within 14 days of this motion being filed, if the motion will be decided by a judge, or
- at least 14 days before the hearing, if the motion will be decided by a commissioner.

In some situations a statute or court order may specify a different deadline.

If you do not respond to this motion or attend the hearing, the person who filed the motion may get what they requested.

Aviso para la parte que responde

Su tiempo para responder a esta moción es limitado. En la mayoría de casos deberá presentar una respuesta escrita con el tribunal y darle una copia de la misma a la otra parte:

- dentro de 14 días del día que se presenta la moción, si la misma será resuelta por un juez, o
- por lo menos 14 días antes de la audiencia, si la misma será resuelta por un comisionado.

En algunos casos debido a un estatuto o a una orden de un juez la fecha límite podrá ser distinta.

Si usted no responde a esta moción ni se presenta a la audiencia, la persona que presentó la moción podría recibir lo que pidió.

Vea la página del tribunal sobre Mociones para encontrar más información sobre el proceso de las mociones, las fechas límites y los formularios:

See the court's Motions page for more information about the motions process, deadlines and forms:
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Cómo encontrar ayuda legal

La página de la internet del tribunal Cómo encontrar ayuda legal (utcourts.gov/help-span) tiene información sobre algunas maneras de encontrar ayuda legal, incluyendo el Centro de Ayuda de los Tribunales de Utah, abogados que ofrecen descuentos u ofrecen ayuda legal limitada, y talleres legales gratuitos.



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